



## OFFICE OF THE ERIE COUNTY DISTRICT ATTORNEY

**MICHAEL J. KEANE**  
ACTING DISTRICT ATTORNEY

October 9, 2024

Hon. Jeremiah J. McCarthy  
Magistrate Judge  
United States District Court  
Western District of New York  
2 Niagara Square  
Buffalo, New York 14202-3350

Melissa D. Wischerath, Esq.  
Lipsitz Green Scime Cambria LLP  
42 Delaware Avenue, Suite 120  
Buffalo, New York 14202-3924

Re: Jane Doe v. Erie County, et al.  
Case No. 22-cv-815-JLS-JJM

Dear Hon. McCarthy and Ms. Wischerath:

This letter is response to Your Honor's order in this matter dated September 5, 2024, specifically the portion directing the Erie County District Attorney's Office (ECDA) to produce a privilege log of any grand jury materials being withheld from disclosure. That information follows:

*Item No. 1 - Minutes of grand jury proceedings*

These items are being withheld pursuant to New York Criminal Procedure Law § 190.25(4) (See generally *James v. Donovan*, 130 A.D.3d 1032 [2nd Dept. 2015], lv. denied 26 N.Y.3d 1048).

*Item No. 2 - Grand jury exhibits 1-6, respectively, photograph; order of protection; phone records; rules of conduct for Erie County Sheriffs Office; code of conduct for jail management personnel; Erie County motor vehicle police*

These items are being withheld pursuant to New York Criminal Procedure Law § 190.25(4) (See generally *James v. Donovan*, 130 A.D.3d 1032 [2nd Dept. 2015], lv. denied 26 N.Y.3d 1048).

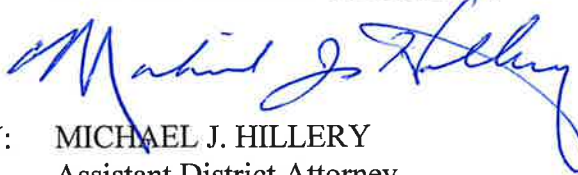
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*Item No. 3 - Grand jury subpoenas*

These items are being withheld pursuant to New York Criminal Procedure Law § 190.25 (4) (See generally *James v. Donovan*, 130 A.D.3d 1032 [2nd Dept. 2015], *lv. denied* 26 N.Y.3d 1048).

Very truly yours,

MICHAEL J. KEANE  
ACTING DISTRICT ATTORNEY



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